

DLD-181

March 29, 2007

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

No. **06-4029**

KENNETH M. SMITH

v.

WARDEN THOMAS L. CARROLL, ET AL.

(D. DEL. CIV. NO. 05-cv-00262)

Present: BARRY, AMBRO and FISHER, Circuit Judges

Submitted is Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

MMW/TJS/arl

**ORDER**

The foregoing request for a certificate of appealability is denied. We have considered Appellant's claims presented to the District Court in his section 2254 habeas petition, and we have reviewed the record, including the documents and opinions in the state court record. We conclude that Appellant has failed to make a "substantial showing of the denial of a constitutional right" as to any of his claims. See 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 327 (2003).



By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: April 24, 2007 Marcia M. Waldron, Clerk

ARL/cc: KMS; GES